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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,966	01/10/2002	Robert Harris	GB920000108US1	2292

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Jeanine S. Ray-Yarletts
IBM Corp, IP Law Dept T81/503,
3039 Cornwallis Road,
PO Box 12195,
Research Triangle Park, NC 27709-2195

EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,966

Applicant(s)

HARRIS, ROBERT

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/10/02; 02/09/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-9, 14-16, 19-24 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamoto (US 6,108,554).

Regarding claims 1, 7, 9, 14, 15, 21, 23, 29, Kawamoto teaches a method of communicating a request for a service from a mobile telecommunications device to the service via a cellular wireless network (see fig.1, wireless connection between subscriber 21 and base station 22) including a plurality of transceiver stations (see fig.5 and column 4, lines 53-54, Kawamoto's "the nearest base station 22" reads on applicant's "a plurality of transceiver stations"), each located in a corresponding cell (see fig.5), comprising the steps of: establishing a wireless connection between the mobile device and one of the transceivers (see fig.1, wireless connection between subscriber 21 and base station 22), transmitting a request for the service from the mobile device to the transceiver (see column 3, lines 53-64), determining the position of the mobile device (see column 5, line 65 to column 6, line 12), estimating the accuracy of the position determination (see column 5, line 65 to column 6, line 12 and see column 2, lines 24-42 and see fig.9, "GPS operation circuit"), transmitting the request through the network and onward to the service (see column 3, lines 53-59), the transmitted

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request including position (see column 3, lines 53-64) and accuracy information about the mobile device (also see column 3, lines 53-64).

Regarding claims 2 and 24, Kawamoto further teaches the position determining step includes the step of obtaining the position of said one transceiver from a table of stored transceiver positions and in which said estimating step estimates the accuracy of said position determination from known cell dimensions (see fig.6 and column 6, lines 6-12).

Regarding claims 6 and 28, Kawamoto further teaches the position of the mobile device is determined by the mobile device itself from satellite position reference signals (fig.9, see GPS operation circuit).

Regarding claims 8 and 30, Kawamoto further teaches the position determining step takes place in the network when the device connection is established, the method including the further step of downloading and storing the position and accuracy information in the mobile device for subsequent transmission in the course of a request for service (see column 4, lines 2-4, and see column 4, lines 64-67).

Regarding claims 16, 20 and 22, Kawamoto teaches a method of communicating a request for a service from a mobile telecommunications device to the service via a cellular wireless network (see fig.1, wireless connection between subscriber 21 and base station 22) including a plurality of transceiver stations (see fig.5 and column 4, lines 53-54, Kawamoto's "the nearest base station 22" reads on applicant's "a plurality of transceiver stations"), each located in a corresponding cell (see fig.5), comprising the steps of: establishing a wireless connection between the mobile device and one of the

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transceivers (see fig.1, wireless connection between subscriber 21 and base station 22), transmitting a request for the service from the mobile device to the transceiver (see column 3, lines 53-64), estimating the position of the mobile device from the position of the one transceiver in a table of stored transceiver positions (see column 5, line 65 to column 6, line 12 and fig.6 of Kawamoto reads on applicant's "a table of stored transceiver positions") and transmitting the request through the network and onward to the service (see column 3, lines 53-64 and column 6, lines 60-65), the transmitted request including the estimated position information about the mobile device (also see column 3, lines 53-64).

Regarding claim 19, Kawamoto teaches the step of testing whether position information is already included in the request and making the estimating step conditional on whether positional information is already included or not (in order to be able to transmit information to the mobile terminal, the server must know the location of each mobile terminal. Therefore, the teaching of Kawamoto inherently teaches applicant's claimed limitation).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3-5, 17, 18 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto (US 6,108,554) in view of Labedz et al (US 6,308,072).

Regarding claims 3, 17 and 25, Kawamoto teaches a method as claimed in claims 1 and 2. Kawamoto does not specifically disclose the position determining step includes a further determination based on signal strength at the one transceiver.

Labedz teaches the position determining step includes a further determination based on signal strength at the one transceiver (see column 22, line 66 to column 23, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Labedz into the system of Kawamoto so that location of the mobile station can be determined with lower service cost.

Regarding claims 4, 18 and 26, Kawamoto teaches a method as claimed in claim 1. Kawamoto does not specifically disclose the position of the mobile device is partly determined by detecting signal direction at the one transceiver.

Labedz teaches the position of the mobile device is partly determined by detecting signal direction at the one transceiver (see column 22, line 66 to column 23, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Labedz into the system of Kawamoto so that location of the mobile station can be determined with lower service cost.

Regarding claims 5 and 27, Kawamoto teaches a method as claimed in claims 1 and 16. Kawamoto does not specifically disclose the position of the mobile device is determined by analysing signals received at several of the transceivers.

Labeledz teaches the position of the mobile device is determined by analysing signals received at several of the transceivers (see column 22, line 66 to column 23, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Labeledz into the system of Kawamoto so that location of the mobile station can be determined with lower service cost.

5. Claims 10 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto (US 6,108,554) in view of Greatline et al (US 6,266,595).

Regarding claims 10 and 31, Kawamoto teaches a method as claimed in claims 1 and 23. Kawamoto does not specifically disclose the device position is determined to lie within a shaped area and accuracy is estimated from the boundaries of a circle or regular polygon fitted to the shaped area.

Greatline teaches the device position is determined to lie within a shaped area and accuracy is estimated from the boundaries of a circle or regular polygon fitted to the shaped area (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Greatline into the system of

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Kawamoto in order to permit rapid and accurate assessment of the device position in relation to desired activity level.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Labedz into the system of Kawamoto so that location of the mobile station can be determined with lower service cost.

6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto (US 6,108,554).

Regarding claims 11, 12 and 13, Kawamoto teaches a method in claim 1, instead of the request being transmitted according to a predetermined protocol, the position and accuracy information being placed in a header field of the protocol or the protocol is Hypertext Transfer Protocol (HTTP) or the protocol includes user data, including the steps of encrypting the user data but not the position and accuracy information as claimed. However, using the request being transmitted according to a predetermined protocol, the position and accuracy information being placed in a header field of the protocol or the protocol is Hypertext Transfer Protocol (HTTP) or the protocol includes user data, including the steps of encrypting the user data but not the position and accuracy information are known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Kawamoto as claimed in order to improve the request being transmitted according to a predetermined protocol, the

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position and accuracy information being placed in a header field of the protocol or the protocol is Hypertext Transfer Protocol (HTTP) or the protocol includes user data, including the steps of encrypting the user data but not the position and accuracy information.

7. Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto (US 6,108,554) in view of Creemer (US 6,795,710) and further in view of Meyer (US 66,470,195).

Regarding claims 32, 33 and 36, Kawamoto teaches a cellular telecommunications system (see fig.1, wireless connection between subscriber 21 and base station 22) comprising a plurality of transceiver stations (see fig.5 and column 4, lines 53-54, Kawamoto's "the nearest base station 22" reads on applicant's "a plurality of transceiver stations") forming a network for transmission of signals from or to any of a plurality of mobile communication devices to a server (see fig.5, the teaching of Kawamoto inherently teaches a plurality of mobile communication devices), location service means, responsive to a request from a mobile communications device for a service located on such a server (see column 3, lines 53-64), to estimate the position of a mobile device (see column 5, line 65 to column 6, line 12 and fig.6 of Kawamoto reads on applicant's "a table of stored transceiver positions"), from a table of stored transceiver positions (see column 5, line 65 to column 6, line 12 and fig.6 of Kawamoto reads on applicant's "a table of stored transceiver positions"), and means for adding the

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position estimate to the request for transmission to said server (see column 3, lines 53-64).

Kawamoto does not specifically disclose a server is an internet based server.

Creemer teaches a server is an internet based server (see fig. 1, internet 52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Creemer system of Kawamoto so that services can be received from the Internet.

The combination of Kawamoto and Creemer does not specifically disclose the position estimate being based on the position of the one of said transceiver stations receiving the strongest signal from the device.

Meyer teaches the position of the one of said transceiver stations receiving the strongest signal from the device (see column 12, lines 26-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Meyer into the system of Kawamoto and Creemer so that location of the mobile station can be determined without a complicated or large-scale satellite system.

Regarding claim 34, the combination of Kawamoto, Creemer and Meyer teaches a method as claimed in claim 32. The combination of Kawamoto, Creemer and Meyer does not specifically disclose the position of the mobile device is partly determined by detecting signal direction at the one transceiver.

Labeled teaches the position of the mobile device is partly determined by detecting signal direction at the one transceiver (see column 22, line 66 to column 23, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Labeled into the system of the Kawamoto, Creemer and Meyer so that location of the mobile station can be determined with lower service cost.

Regarding claim 35, Kawamoto teaches the step of testing whether position information is already included in the request and making the estimating step conditional on whether positional information is already included or not (in order to be able to transmit information to the mobile terminal, the server must know the location of each mobile terminal. Therefore, the teaching of Kawamoto inherently teaches applicant's claimed limitation).

Response to Arguments

8. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

In light of applicant's arguments with respect to the rejection under Election/Restrictions, the examiner hereby withdraws the rejection under Election/Restrictions as stated in the previous Office action (dated 07/26/2004).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Urushidani (US 6,690,301) teaches vehicle with position detector.

b. Kim (US 6,757,271) teaches method for providing a data service in a cdma communication system.

c. Rautila (US method and system for connecting a mobile terminal to a database.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

11/29/04

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600